THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 20493 of 2007

Date:27-09-2007

Between:

U.V.S. Prabhas

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Petitioner

AND

The District Collector, Ranga Reddy and two others

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Respondents

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in trying to interfere/encroach upon the lands of the petitioner in Plot Nos.221, 222, and 223 in Sy.No.5/3 situated at Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District, as illegal and arbitrary and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the said property of the petitioner till the disposal of the L.G.C.No.13 of 2004 which is pending before the Land Grabbing Court.

It is the case of the petitioner that he purchased open land bearing plot No.223 admeasuring 694 square yards equivalent to 580.18 sq. metres vide registered saled deed, dated 05.10.2005, Plot No.221 admeasuring 694 square yards equivalent to 580.18 square metres and also Plot No.222 admeasuring 695 square yards equivalent to 581.02 square metres vide registered sale deed, dated 24.04.2006, all plots are situated in Sy.No.5/3 at Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District. It is stated that the petitioner has been in possession and enjoyment of the above said plots by paying necessary property tax to the municipality. It is further stated that the petitioner has applied to the municipality for the purpose of construction of compound wall and in order to protect the land from the encroachers, the petitioner raised compound wall and constructed three rooms. It is further stated that admittedly the Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division filed Land Grabbing Case No.13

of 2004 before the Special Court under A.P. Land Grabbing (Prohibition) Act, Hyderabad against the vendor of the petitioner and several others claiming that the entire land in Sy.No.5 admeasuring Ac.153.02 guntas and the said survey number was bifurcated and recorded as Sy.No.5/1 for an extent of Ac.49.00 guntas, Sy.No.5/2 for an extent of Ac.25.00 guntas, Sy.No.5/3 for an extent of Ac.75.00 guntas and Sy.No.5/4 for an extent of Ac.2.00 guntas.

Admittedly, the said LGC No.13 of 2004 is pending on the file of the said Special Court. It is stated that though the LGC No.13 of 2004 is pending, the respondents are threatening the petitioner to dispossess him without giving any notice and without following the due procedure of law.

The learned Government Pleader for the respondents submits that the respondents are not taking any steps to dispossess the occupants in Sy.Nos.5 or 5/3, but they are only preventing the illegal occupations or encroachments in the adjacent land bearing Sy.No.46 of Raidurg Paigah village which is a government land against which a special leave petition is pending before the Apex Court.

I am of the opinion that if the petitioner has already raised compound wall covering the entire land and raised certain constructions like guest rooms, gymnasium and basket ball court, as long as the LGC No.13 of 2004 is disposed of by the Special Court, the petitioner shall not be dispossessed from the said land. However, the vendor of the petitioner being party to the said LGC No.13/2004, I am of the opinion that the petitioner is also bound by the judgment of the Special Court whether he is impleaded on his own or at the instance of the government. It is also open for the petitioner to get himself impleaded or by the respondents in the said land grabbing case.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the Plot Nos.221, 222, and 223 in Sy.No.5/3 situated at Raidurg Panmaktha village, Serilingampally mandal and municipality, Ranga Reddy District as long as L.G.C.No.13 of 2004 pending on the file of the Special Court under A.P. Land Grabbing (Prohibition) Act is disposed of. No costs.

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V.ESWARAIAH, J.

Date:27.09.2007
ccm

Note:
Send operative portion of the order by wire at party's cost by 28.09.2007.

B/O
ccm